

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- March 20, 1968

Appeal No. 9529 Mathilde W. Williams, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on April 17, 1968.

EFFECTIVE DATE OF ORDER - June 24, 1968

ORDERED:

That the appeal for variance from the minimum lot area and width requirements of the R-1-A District to permit subdivision and erection of 3 single family dwellings at 4629 - 30th Street, NW., lot 855, square 2256, be partially granted.

FINDINGS OF FACT:

- [1] The subject property is located in an R-1-A District.
- [2] The property is improved with a single family dwelling which has a frontage of 202.54 feet on 30th Street, NW. and a depth of 149.59 feet. The lot now contains approximately 30,298 square feet of land.
- [3] It is proposed to subdivide the property into four lots each having a frontage of 50 feet plus or minus and a depth of 149.59 feet.
- [4] The record contains a petition signed by 13 residents of 30th Street, NW. indicating that they have no objection to the proposal.
- [5] By letter dated January 24, 1968 (BZA Exhibit No. 5) the officers and executive Board of the Forest Hills Citizens Association indicated that they have no objection to the proposal.

[6] Section 3301 of the Zoning Regulations provides that minimum lot dimensions in the R-1-A District shall be 75 feet in width and a lot area of 7,500 square feet.

[7] By letter dated April 1, 1968 (BZA Exhibit No. 15), the Board informed the appellant that the Board was inclined to deny the appeal except that the case would be held open in order that appellant might file a revised plan for subdivision for 4 lots instead of 4.

[8] At the public hearing held April 17, 1968, a friend of appellant appeared in support of the appeal. It was suggested that the Board grant the appeal for the following reasons:

- (a) A 75-foot lot would require a house much too expensive for the immediate neighborhood.
- (b) There is precedent in the area for 50-foot front lots.
- (c) There is a hardship on the applicant since the tax reassessment greatly increased the real estate taxes.

[9] No opposition to the granting of this appeal was registered at the public hearing.

[10] A request for amendment of the proposed subdivision was submitted to the Board for consideration. The Board modified its action at the meeting of June 19, 1968. The modification permits the following subdivision:

The north lot has a street frontage of 57.41 feet. This lot shall maintain a side yard of 12 feet along the lot line where an existing improved lot has a porch. The other lots will have frontages as follows: 73.06 feet and 72.07 feet.

OPINION:

We are of the opinion that appellant has shown a hardship sufficient to support a variance from the minimum lot area and width requirements of the R-1-A District. However, we believe that such relief should not be by way of division into four lots, each conforming more nearly to the standards of the R-1-B District than the R-1-A District. The zoning of the city is

OPINION Cont'd

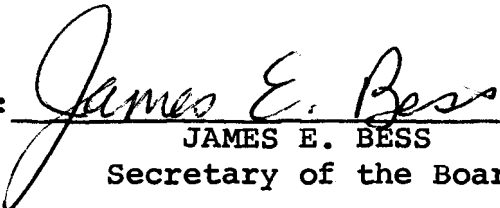
determined by the D.C. Zoning Commission, not by this Board. We can grant relief from such regulations where certain conditions are met. In this instance, the division of this property into four lots would mean a rezoning by way of variance. This we will not do. We believe that a more equitable division would conform to the division shown on BZA Exhibit No. 16(a).

The division of this lot as approved will not, in our opinion, substantially impair the general purpose intent and integrity of the Zoning Regulations and map and is in harmony with such regulations.

Under the amended subdivision, the improved lot can keep the porch. However, the north lot must maintain a 12 foot side yard along the lot line where the porch exists and such side yard shall be maintained as long as the porch remains.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: 
JAMES E. BESS
Secretary of the Board